

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JANE DOE on behalf of herself and her minor child;  
JANE BOE, Sr. on behalf of herself and her minor  
child; JOHN COE, Sr. and JANE COE, SR. on  
behalf of themselves and their minor children; JOHN  
FROE, Sr. on behalf of himself and his minor child;  
JANE GOE, Sr. on behalf of herself and her minor  
child; JANE LOE on behalf of herself and her  
medically fragile child; JANE JOE on behalf of  
herself and her medically fragile child;  
CHILDRENS HEALTH DEFENSE, and all others  
similarly situated,

Plaintiffs,

-against-

Case No.

1:20-cv-00840-BKS-CFH

HOWARD ZUCKER, in his official capacity  
As Commissioner of Health for the State of New  
York; ELIZABETH RAUSCH-PHUNG, M.D., in  
her official capacity as Director of the Bureau of  
Immunizations at the New York State Department of  
Health; the NEW YORK STATE DEPARTMENT  
OF HEALTH; THREE VILLAGE CENTRAL  
SCHOOL DISTRICT; CHERYL PEDISCH, acting  
in Official capacity as Superintendent, Three Village  
Central School District; CORINNE KEANE, acting  
in her official capacity as Principal, Paul J. Gelinis  
Jr. High School, Three Village Central School  
District; LANSING CENTRAL SCHOOL  
DISTRICT; CHRIS PETTOGRASSO, acting in her  
capacity as Superintendent, Lansing Central School  
District; CHRISTINE REBERA, acting in her  
official capacity as Principal, Lansing Middle  
School, Lansing Central School District; LORRI  
WHITEMAN, acting in her official capacity as  
Principal, Lansing Elementary School, Lansing  
Central School District; PENFIELD CENTRAL  
SCHOOL DISTRICT; DR. THOMAS PUTNAM,  
acting in his official capacity as Superintendent,  
Penfield Central School District; SOUTH  
HUNTINGTON SCHOOL DISTRICT; DR. DAVID  
P. BENNARDO, acting in his official Capacity as  
Superintendent, South Huntington School District;

BR. DAVID MIGLIORINO, acting in his official capacity as Principal, St. Anthony's High School, South Huntington School District; ITHACA CITY SCHOOL DISTRICT; DR. LUVELLE BROWN, acting in his official capacity as Superintendent, Ithaca City School District; SUSAN ESCHBACH, acting in her official capacity as Principal, Beverly J. Martin Elementary School, Ithaca City School District; SHENENDEHOWA CENTRAL SCHOOL DISTRICT; DR. L. OLIVER ROBINSON, acting in his official capacity as Superintendent, Shenendehowa Central School District; SEAN GNAT, acting in his official capacity as Principal, Koda Middle School, Shenendehowa Central School District; ANDREW HILLS, acting in his official capacity as Principal, Arongen Elementary School, Shenendehowa Central School District; COXSACKIE-ATHENS SCHOOL DISTRICT; RANDALL SQUIER, Superintendent, acting in his official capacity as Superintendent, Coxsackie-Athens School District, Coxsackie-Athens School District; FREYA MERCER, acting in her official capacity as Principal, Coxsackie-Athens High School, Coxsackie-Athens School District; ALBANY CITY SCHOOL DISTRICT; KAWEEDA G. ADAMS, acting in her official capacity as Superintendent, Albany City School District; MICHAEL PAOLINO, acting in his official capacity as Principal, William S Hackett Middle School, Albany City School District; and all others similarly situated

Defendants.

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**AFFIDAVIT OF DEFENDANT CHRIS PETTOGRASSO  
IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION  
ON BEHALF OF DEFENDANTS  
LANSING CENTRAL SCHOOL DISTRICT, CHRIS PETTOGRASSO, CHRISTINE  
REBERA, AND LORRI WHITEMAN**

STATE OF NEW YORK     )  
COUNTY OF Lansing     )     ss.:

Chris Pettograsso being duly sworn, deposes and says:

1. I am currently employed by defendant LANSING CENTRAL SCHOOL DISTRICT ("District") as the Superintendent. I submit this affidavit in opposition to plaintiffs JOHN COE, Sr. and JANE COE, Sr.'s motion for a preliminary injunction on behalf of the District, Christine Rebera, Lorri Whiteman, and myself.

2. I have been employed by the District for 13 years.

3. I make this affidavit based upon my review of the student records maintained by the District and my personal knowledge.

4. Plaintiffs JOHN COE, Sr. and JANE COE, Sr. submitted requests for medical exemptions dated August 11, 2019 to the District on behalf of their minor children ("John Coe and Jane Coe"). Attached as Exhibit "A" is a copy of the medical exemption forms submitted on behalf of John Coe and Jane Coe.

5. After review of the subject medical exemption requests, consultation with medical staff, and consultation with defendant THE NEW YORK STATE DEPARTMENT OF HEALTH, the District denied the requests for medical exemptions for John Coe and Jane Coe. On January 21, 2020, the District advised JOHN COE, Sr. and JANE COE, Sr. of its decision. A copy of the District's letter dated January 21, 2020 is attached hereto as Exhibit "B".

6. In response, I received a letter from Sujata S. Gibson, Esq. of The Gibson Law Firm, PLLC dated January 27, 2020. A copy of the letter dated January 27, 2020 is attached hereto as Exhibit "C".

7. On January 29, 2020, counsel for the District responded to the January 27, 2020 letter. A copy of the letter dated January 29, 2020 is attached hereto as Exhibit "D".

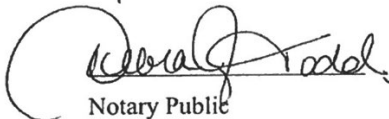
8. John Coe and Jane Coe have been excluded from the District since January 27, 2020 for failure to comply with New York Public Health Law and New York Education Law.

Dated: September 4, 2020

  
CHRIS PETTOGRASSO

Sworn to before me this

4 day of September, 2020

  
Notary Public

